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SPEECH  
OF  
HON. JOHN PERKINS, JR.,  
OF LOUISIANA,  
ON THE  
TRANSFER TO THE STATES BY THE GENERAL GOVERNMENT  
OF THE  
ADMINISTRATION OF THE PUBLIC LANDS  
WITHIN THEIR LIMITS.

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## SPEECH.

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The House being in Committee of the Whole on the state of the Union—

Mr. PERKINS rose and said:

Mr. CHAIRMAN: Of all the great questions that have been discussed within these walls, no one has so deeply affected the legislation of the country as that of the disposition of the public lands. Like agriculture in our material interests, it is at the bottom, and has affected every other interest. In addressing the House in explanation of the substitute I have offered, I should feel great diffidence if I proposed more than to recall the views of those who have already discussed the subject. Within the hour allowed me, I can only state principles and facts, and indicate, without arguing, their application.

Mr. Calhoun once remarked to Chief Justice Marshall, who frequently repeated it in illustration of the mental analysis of the great South Carolinian, that there were but two things to be considered in the formation of government—the *organization and distribution of power*. The force of this remark is especially felt in any attempt to discuss the policy or operation of our land system without first tracing it to its origin. From an insignificant agency under a clerkship of the Treasury Department, it has, with our increase of population and extension of territory, become a distinct branch of the government, extending, in its various ramifications, into thirteen States of the Union, and exerting an influence that, looking to the delicacy and importance of the interests affected, and the nature of our institutions, can find no parallel, except in the India Board, governing from London the immense territories of England in the East.

It was looking at this great development in 1839, when we had only about three-sevenths of our present territory, that Mr. Calhoun said he was satisfied that the period had arrived when its entire revolution, as applicable to the States, was unavoidable. His words were: The States “have outgrown the system. Since its first adoption they have come into existence—have passed through a state of infancy—and are now arrived at manhood. The system which was wise and just at first, is neither wise nor just when applied to them in their changed condition.”

Mr. CHAIRMAN, WHAT WAS ORIGINALLY THIS SYSTEM? WHAT ITS OPERATION? IN WHAT IS IT DEFECTIVE? WHAT ARE THE REMEDIES PROPOSED? ARE THEY CONSTITUTIONAL AND EXPEDIENT?

The bill which I offer is directed rather against a vice of organization than of principle. It was first proposed in a resolution introduced into the Senate of the United States, in 1826, by Mr. Tazewell, of Virginia; it was indicated in the message of General Jackson, in 1832, and brought to the notice of the Senate by Mr. Calhoun, in 1837, in a bill almost identical in terms with the present one.

In 1839, Mr. Calhoun advocated it in the Senate. In 1840, he se-



cured a report in its favor from the Senate Committee on Public Lands, composed of Robert J. Walker, chairman; Fulton, of Arkansas; Clay, of Alabama; Prentiss, of Vermont; and Norvell, of Michigan. In 1841, Judge Young, of Illinois, again introduced it into that body, where, after discussion, there were eighteen votes in its favor and twenty-two against it. Among those voting for it I find the names of Allen of Ohio, Anderson, Benton, Calhoun, Clay of Alabama, Fulton, King of Alabama, Linn, Lumpkin, Mouton, Nicholson, Norvell, Robinson, Sevier, Smith of Connecticut, Tappan, Walker of Mississippi, and Young of Illinois.

Before explaining its provisions, it will be necessary to state briefly the history of the acquisition of the public lands, and the policy which has controlled their disposition.

After the declaration of independence, and before the adoption of the articles of confederation, the disposition of the vacant lands in the West, claimed by the several colonies, became a subject of controversy. Maryland, and other of the smaller States, contended that this unsettled domain, if wrested by the common blood and treasure of the thirteen colonies, should be "common property, parcelled out by Congress into free, convenient, and independent governments, in such manner and at such times" as Congress should determine. Maryland refused to accede to the confederation, because this point was not yielded. The other States acceded, reserving their rights to these lands as common property.

In March, 1780, New York, to remove this dissatisfaction, tendered to the States her western lands; and in the same year, Congress passed a resolution "earnestly" recommending the other States having like possessions to do the same; declaring by resolve, on the 10th October, "that the unappropriated lands" which should "be ceded or relinquished to the United States by any particular State," should be "disposed of for the common benefit of the United States, and be settled and formed into distinct republican States," which should become members of the federal Union, and have the same rights of sovereignty and freedom, and independence of the other States;" the lands to be "granted or settled at such times and under such regulations" as should afterwards be agreed upon by the United States in Congress assembled.

In March, 1781, the Maryland delegates signed the articles of confederation; and under this compact the union of the colonies was complete.

The cession of New York was accepted October, 1782. One of its conditions was, that the lands ceded should "be and inure for the use and benefit of such of the United States" as should "become members of the federal alliance," and for "no other use or purpose whatever."

In March, 1784, Virginia's cession was executed and accepted. One of its conditions was, that the lands ceded should be—

"Considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the United States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

In 1785, '86, and '87, Massachusetts, Connecticut, and South Carolina made cessions of their lands on similar conditions.

Our present government was organized on 5th March, 1789. The only allusion made to the public lands in the constitution was :

“The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, and nothing in this constitution shall be so considered as to prejudice any claims of the United States, or of any particular State.”

North Carolina's cession of land was accepted in April, 1790, and Georgia's in June, 1802. These cessions, almost in the terms of those of Virginia, except that Georgia's omitted the clause, “according to their usual respective proportions in the general charge and expenditure,” were, like those of all the other colonies, a response to the recommendation of the confederation, and adopted by, and made binding upon, the government, to guard them as a common fund for the common benefit of all the States.

In May, 1785, within a year after the cession by Virginia, and before that from any other State, except New York, Congress passed an ordinance regulating the survey of the public domain, which is the basis of our present system. From this, it has been gradually built up by a long course of executive direction and congressional legislation.

On the 18th May, 1796, Congress passed the first law for the sale of the public lands.

The first land offices were opened at Cincinnati and Pittsburg. The price fixed was \$2 per acre—one-half cash, the residue in one year. On the 10th of May, 1800, Congress extended the credit to one-fourth cash, the residue in four years. The credit granted induced excessive purchases, and in 1805 and '6, and at different periods subsequently up to 1820, Congress passed relief laws in mitigation of the system. In 1820, the present cash system was adopted, and the price reduced to \$1 25 per acre.

Appeals to Congress for relief now ceased. This was the *first* decided improvement in the system.

After this, acts of pre-emption were, at various times, passed by Congress, but limited and remedial in their character, until the 4th September, 1841, when our present prospective and general pre-emption law was passed. This was the *second* great improvement in the system.

A graduation bill, founded upon the exercise of the discretion a proprietor exhibits—discriminating in price according to the value of his lands—I consider the *third* great improvement in the system. This, although often urged upon Congress as a constitutional and wise mode of disposing of the large tracts of nearly worthless land owned by the general government within the limits of the land States, has never yet become a law. A bill of this character, introduced by the gentleman from Alabama, [Mr. COBB,] passed this House a few weeks since, and now awaits the action of the Senate.

SUCH IS THE HISTORY OF THE ORIGINAL ACQUISITION OF THE PUBLIC LANDS BY THE GENERAL GOVERNMENT, AND THEIR ORGANIZATION UNDER OUR PRESENT LAND SYSTEM.

The machinery for their administration was inaugurated in the idea that the public lands were common property, pledged for the common debt, under the exclusive, but not unlimited, control of the general government, and to be used for the common benefit. It acted upon them



as a surrender in the common interest, surrounded by the same checks, and to be disposed of subject to the same constitutional limitations, as the funds of the common treasury. Their management was placed under the Treasury Department; their proceeds paid into the common fund; and, except in the discrimination imposed by a proprietorship in kind, rather than in money, the same principles were to govern their administration.

Under these views, the machinery of the system has been developed from a single room in the Treasury Department, at an annual expense, in 1802 in Washington, of \$1,754 and throughout the country \$4,765 26—total, including land offices and surveyors, \$6,519 26—into a General Land Office, created in 1812, with a Commissioner, appointed by the President, and elevated, in 1848, into almost a distinct branch of the government, under the Secretary of the Interior, at a cost, according to the estimate of this year, of \$189,875 for the Land Office at Washington, and \$342,640 for the other land offices and surveying departments—in all \$532,515, exclusive of California.

Acres.

The land system began its operation upon the land in the Territories alone, amounting to .....	243,990,821
Acquired from Virginia, New York, Massachusetts, and Connecticut.....	158,660,299
From Georgia.....	58,898,522
From North and South Carolina.....	26,432,000
And has extended to those since acquired, amounting to..	1,165,389,741
Acquired from France, 1804.....	751,363,501
From Spain, 1819.....	37,931,520
From Mexico, 1847 .....	376,094,720
Making in all.....	1,409,380,562
within the Territories and thirteen States of the Union.	

It had in 1802, eleven employés throughout the Union. It has now in the Territories and thirteen land States 336 federal officers, operating upon interests purely local, and of the highest importance to the citizens of the States—all controlled by, and in direct correspondence with, the general office at Washington.

Under its administration there had been surveyed, up to June 30, 1853, 336,202,587 acres—leaving then unsurveyed, 1,073,177,975 acres.

The expenses of all the branches of the government have increased in the same time, from \$3,737,080 in 1802, to about \$50,000,000 in 1853.

The population of the United States, at the time of the system's organization, in 1800, was 5,305,925; in 1850, 23,191,876.

THE BILL THAT I HAVE OFFERED AS A SUBSTITUTE TO THE ONE BEFORE THE HOUSE, IS IN THE IDEA THAT THIS SYSTEM HAS BECOME UNWIELDY; AND FROM A DEVELOPMENT, UNANTICIPATED AT ITS INSTITUTION, FAILED TO ACCOMPLISH THE PURPOSES OF ITS CREATION.

It proposes to take nothing from the present land system which ex-



perience has shown to be valuable; but freeing it of incumbrances, to make permanent its three great improvements, and render them more effective.

It does not propose to sell or give away the public lands to the States within which they lie, but simply to transfer to them their administration, on conditions highly just and equitable to all the States—insuring greater attention to local interests, contravening no mooted constitutional point, simplifying the system, curtailing executive patronage, and confining its operation, as originally, to the Territories.

The amount of public lands within the States, (excluding California, which has 113,682,436 acres,) the administration of which will be conferred upon the States, is 168,178,818 acres; the amount of public land in the Territories, upon which the present system will continue to operate, is 864,069,170 acres. (See Table A.)

Mr. Chairman, the vast importance of this public domain to the future interests of the country cannot be appreciated. While in Great Britain proper an equal distribution of land would give a little over two acres to each individual, in the United States it would give 105 acres. This is the great peculiarity of our country. It is our security, and a magnificent basis upon which to erect our future greatness. We should not hasten to destroy it, but leave its settlement and reduction to cultivation to the operation of natural causes, aided by permanent laws.

I HAVE SAID THE SUBSTITUTE I OFFER IS DIRECTED AGAINST A VICE OF ORGANIZATION, AND NOT OF PRINCIPLE. I will be better understood, perhaps, if I say the evils of our present land system result chiefly from its organization. These evils will be best considered in connexion with the remedies proposed.

WHAT IS THE SUBSTITUTE?

### *Provisions of the bill.*

It provides for the cession of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, Florida, Missouri, Illinois, Indiana, Ohio, Michigan, Iowa, Wisconsin, and California, to these States respectively, on certain conditions.

The said States are to pay into the United States treasury 75 per centum on the gross amount of their sales of such lands.

“That the minimum price, as now fixed by law, shall remain unchanged until the 30th day of June, 1855; but, after that period, the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward preceding the 30th day of June, 1855, aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward preceding the said 30th day of June, 1855, may thereafter be reduced to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward preceding the said 30th day of June, 1855, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward preceding the said 30th day of June, 1855, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward preceding the said 30th day of June, 1855, shall be ceded immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years after said sale, commencing from the expiration of ten years after the same had been offered at public sale.”

The lands are to be subject to the existing legal subdivisions, reserving for each township and fractional township the sixteenth section for the use of schools.

Land sold at public auction to be subject to entry for cash only, according to a fixed graduation.

Acts of Congress in force at the time of the passage of this act to remain unchanged, unless modified by this act.

Lands after private entry may be sold, at the option of the purchaser, in quarter-quarter-sections. This disposition of lands to the States shall be in full of the five per cent. fund not already accrued to any State—said State to be liable for all the expense of sales and management of said lands, and for extinguishing Indian titles.

On failure to comply with the provisions of this act, the cession of lands to any delinquent State to be void; and all grants or titles thereafter made by any such State to be also void.

After every reduction in the price of the lands by the States, as provided for, the State legislatures may grant to the settlers on such lands rights of pre-emption, to last for 12 months, at such reduced rates; lands not taken by settlers at the end of that time may be entered by any other person, until the next reduction takes place, when, if not previously purchased, they shall be subject to the right of pre-emption for 12 months; and so on, from time to time, as said reductions take place.

The President to close the land offices, surveyor's office, &c., in any State included in this act, that shall, as provided, accept the provisions of this act; and the commissions of said land officers and surveyors to expire at a period not beyond six months after the time for the law to take effect.

That from the passage of this act the States accepting the transfer under the terms offered, shall be relieved from all restrictions to tax any land by the authority subject to the sale thereof; and all maps, papers, books, and accounts, relative to said lands, now in the General Land Office at Washington, shall be subject to the order of the Executives of the accepting States.

This was the bill as originally introduced by Mr. Speaker Boyd. To this I have added two amendments. The first amendment is a proviso to the first section, and is designed to authorize the States to grant alternate sections of land for railroad purposes. It is as follows:

*"Provided, That the State may, on the payment of the price fixed by this bill for the land along any railroad line, indemnify itself for the grant of alternate sections of land to such railroad by disposing of the remaining sections along the line at double the price fixed by this bill."*

This amendment embraces the question of granting alternate sections of land for railroads, and transfers the question to the States within which the lands are situated.

It authorizes the States to grant alternate sections of land along railroad lines within their borders, and indemnify themselves by disposing of the remaining sections along the line at double the price fixed by the bill.

By it each State may grant, at its discretion, that aid to railroad interests within its borders that is now asked of the general government. Under its operation, the general government is guaranteed by the State against any loss in the grant of alternate sections, and each State is made the judge, under the responsibility of a pecuniary interest, in what cases the grant should be made; for, as soon as a grant is made of alternate sections to any railroad, the State pays the regular per-centage that would be due, upon the sale of those lands, to the general government, and is reimbursed, as already stated, by the sale of the remaining sections at double price. The other amendment extends the time for right of pre-emption, in the second section, from ninety days to twelve months, and is for the benefit of actual settlers.

The lands in Territories are not affected by the provisions of the bill.

Under this bill the railroad interest is amply protected, the general government is more than reimbursed the purchase and survey of the public lands, and relieved of an onerous and annoying agency in their



disposal, while the citizens of all the States are guarantied the advantages of a graduation in their price.

The States are benefited by having settled within their borders all those annoying land claims and conflicting titles that come up to Washington from all quarters, to be decided frequently upon imperfect testimony.

Most of the western States have already State as well as federal land offices within their limits. Under this bill the State land offices will do the work of both.

At present the general government pays to each State five per cent. upon the public lands within their borders, and the State cannot tax them for five years after they are sold.

By the substitute this is reversed: the State pays a certain per-centage to the general government. The receipt of this per-centage by the general government is insured by the titles under the State being dependent for their legality upon its payment.

In few words, it proposes to transfer all the lands within the States to the States in which they lie, on two conditions:

*First*, that the States shall dispose of them at \$1, 75 cents, 50 cents, and 25 cents, according as they have been offered for sale, ten, fifteen, twenty, and twenty-five years.

*Second*, that the States pay to the general government 75 per cent. upon the net amount realized from their sale. This per-centage is to be paid quarterly as the lands are disposed of at the State land offices; those remaining unsold at the end of thirty years to belong to the States.

A GREAT ARGUMENT IN FAVOR OF THE SUBSTITUTE IS, THAT IT CURTAILS EXECUTIVE PATRONAGE. By its adoption 228 federal offices will be abolished and their duties imposed upon State officers.

Mr. Calhoun, to whom it was given to detect danger to the constitution before it was visible to most minds, and whose eloquence was but the earnest protest of the future against the present, once said that the greatest instruments of consolidation under our government were the land office, the currency, and the post office.

The constitution, as originally interpreted by its framers, left the great mass of legislation to the States, and restricted the federal government to the management of foreign affairs, and a few internal matters. Yet, so disguised under a pride of national greatness has been the tendency to consolidation, that, insensibly, one power after another has been assumed until the general government, almost to the exclusion of the State governments, has made itself felt in all the relations of life. Its encroachments have been invisible, but constant.

With the addition of each new State, the relative greatness of the general government has been increased, and that of the individual States diminished. With increased power to reward, its offices have become more valuable.

The popular mind has associated increase of constitutional power with national development. Congress has absorbed nearly all the legislation of the country—its sessions increasing in length, while those of the State legislatures have become less frequent and shorter.

Under the administration of Mr. Jefferson, in 1802, there were but



five heads of department: there are now seven. There were then but 3,806 federal officers: there are now in the employment of government, throughout the country, 35,456.

The adoption of the substitute will abolish 228 of these; and, with advantage to the particular interests involved, transfer their duties to those of the States. (See Table B.)

John Randolph, of Roanoke, speaking on this subject in the Senate of the United States in March, 1826, said:

"I wish that every new State had all the lands within the State, that, in the shape of receiverships and other ways, these States might not be brought under the influence of *this ten miles square*. In other words, I wish that all the patronage of the land office was in the hands of the individual States, and not in the hands of the general government. I am the friend of State rights, and will cut down the patronage of this general government, which has increased, is increasing, and must be diminished; or we—the States—shall be not only 'shorn of our beams,' sir, but abolished quite."

Mr. Van Buren, in May of the same year, in the Senate, said: The public lands "had extended the patronage of the government over the States to a great extent," and "subjected" those in which they were situated "to an unwise and unprofitable dependence on the federal government. No man could render the country a greater service than he who should devise some plan by which the United States might be relieved from the ownership of this property by some equitable mode." He would vote for a proposition on such terms.

In 1830, Mr. Hayne, in the Senate, said:

"More than one-half our time has been taken up with the discussion of propositions connected with the public lands, and more than one-half our acts embrace provisions growing out of this fruitful source."

In 1839, Mr. Calhoun said the discussion about their disposition consumed one-third of the time of Congress.

Mr. Speaker Boyd, in answer to an inquiry made by me, under date of May 21, 1854, says:

"I state as my deliberate opinion that during the sixteen years I have served in Congress, at least one-third of the entire time of that body has been consumed in the consideration of questions connected in one form or other with our public land system." (See Appendix.)

The Clerk of this House, Colonel Forney, in a note in reply to an inquiry on the subject, says:

"Fifteen hundred columns of the Congressional Globe and Appendix for the Thirty-Second Congress are taken up with debates on public lands; and the expense to the government incurred alone by the time consumed was \$143,520." (See Appendix.)

Again: THIS SUBSTITUTE NOT ONLY REDUCES THE PATRONAGE OF THE GENERAL GOVERNMENT RESULTING FROM THE ADMINISTRATION OF THE PUBLIC LANDS, BUT IT TAKES THEM OUT OF THE POLITICAL ARENA. A QUESTION PURELY OF POLITICAL ECONOMY WILL NO LONGER BE MADE ONE OF PARTISAN CONTROVERSY. IT IS NON-INTERVENTION IN THE LOCAL INTERESTS AND POLITICS OF THE STATES.

I desire to discuss this subject upon elevated principles, and without appeal to party feelings. But I ask members if the disposition of the public lands has not been an element, on one side or the other, in all our political contests? It was directly connected with the great Hayne and Webster debate; and, after arraying in opposition the old and the new States, and embittering feeling at the North and the South, has ever since affected the regulation of the tariff.

It was closely connected with all the financial measures of General

Jackson's administration, mixed itself up with his contest with the United States Bank, and became the suggestion of a change in the constitution. It has ever been associated with the discussion of the power of Congress to make internal improvements; and now, when one after another of these questions have been settled or passed away, it remains with the subject of slavery to monopolize our time and embarrass legislation.

Is this never to cease? Having assisted to make and unmake Presidents for half a century, is it to continue a fund upon which individual members may draw to supply political capital for their districts? Has not the return of members to this House been made in a greater degree to depend upon the legislation of Congress upon this subject than upon any other? Do not measures, objectionable in principle, ally themselves with grants of land to force representatives to the alternative of a violation of their conviction of constitutional right, or a seeming antagonism to the interests of their constituents?

I believe, sir, there is a general desire that this should cease. I believe it to be the feeling of the country, that the public lands should be disposed of, once for all—justly and equitably—to prevent improper combinations—to reduce the length of our sessions, and enable us to legislate on other matters.

On the eve of Mr. Webster's first visit to Europe he was asked the object of his trip. His reply was, that, in addition to a desire to see the objects of natural interest, to one visiting the Old World, he wanted to get where he could see a man who had never made a bargain. I would not intimate that this expression was in any way associated with, or the result of, his political experience; but I may say, without reflection upon that great man, that the desire was by no means unnatural to any one who had been even a spectator of the legislation of Congress in reference to the public lands.

On this point I will not enlarge. Sixteen years ago, in 1839, Mr. Calhoun, in speaking of the subject, said:

"I ask not whether it would be wise to continue the old system. No, sir, a far bolder question—will it be practicable? \* \* \*

"It is easy to see how this would end; the public domain, the noble inheritance of the people of this Union, would be squandered, or rather gambled away in the contest, and would thus be made at the same time the means of plunder and corruption, and of elevating to power, the most profligate and audacious."

Has this prediction been realized? Let one of many years' experience in this House, and yet in the counsels of the country, answer. Three weeks since, speaking on a bill that has passed this House, Senator Thompson, of Kentucky, said:

"It seems to me, since I have had the honor to come to the national counsels, whether in this or the other house of Congress, the public lands have been bandied about eternally as a bribe in the shape of cession and retrocession, in the shape of graduation and of distribution, and of every imaginable project."

Of all the interests of the country, Mr. Chairman, the land or agricultural should be least affected by, or dependent upon, legislation. Upon it rest all other branches of national industry, and its value should be controlled by laws uniform and permanent. It is bad enough that the commerce of the country should be influenced by measures purely political; but trade partakes in some sort of the character of an adventure, and readily adapts itself to circumstances. Not so with land.



The tiller of the soil may have a knowledge of chemistry, but he knows nothing of political chicanery. He watches the changes in the natural, not in the political elements, and looks to the ground, not to Congress, for his annual profit or the increased value of his land. And yet, if Congress issue twenty millions of land warrants as proposed by the bill of the gentleman from New York, or throw as many acres of land gratuitously, or at greatly reduced prices, upon the market one year, and none the next, the price of every man's farm will be as variable as your commercial stocks.

Sir, if you have the power, you have no moral right thus to subject the staid and sober interests of the home-staying hard-working farmers of the country to the fluctuations of your commercial, or the tidal movements of your political sea.

Again: THE SUBSTITUTE NOT ONLY TAKES THE PUBLIC LANDS OUT OF THE POLITICAL ARENA, BUT FREES THE LAND STATES FROM A HUMILIATING VASSALAGE. They have risen up out of the wilderness under a pledge given at the origin of the government, that they should be received into the Union with equal rights with the other States; and yet, they are now fettered by a system inflicting upon them all the evils of absenteeism.

The lands of the sovereign of England may be taxed in the shire in which they lie, while those of the general government within the States are exempted and held for years at prices above their value, causing emigration to seek other localities. They, in fact, act upon the surface of the new States like the immense corporations of Mortmain, which it cost England a revolution to get rid of.

By a calculation made (by Mr. Sumner) in the Senate of the United States, in 1849, the land States, from a forbearance to tax the lands of the general government, after survey, have lost \$72,000,000. How long will the idea of a paternity of the old over the new States, prevent a practical conviction in the popular mind of their entire equality?

Dispose of the public lands within the States to the States in which they lie, under the terms of this bill, and you at once get rid of the embarrassing questions which constantly force the States to protest or memorialize against a proprietorship within their borders, which, although it extend to half their limits, they can neither tax nor raise contributions from, for the general good, and which forces you to dole out to them the small pittance of 5 per cent. upon their sales.

BUT, MR. CHAIRMAN, I HAVE OTHER ARGUMENTS IN FAVOR OF THIS BILL, LESS GENERAL IN THEIR CHARACTER, BUT NOT LESS IMPORTANT, AND WHOSE PRACTICAL FORCE MUST STRIKE EVERY ONE WHO HAS OBSERVED THE PROGRESS OF LEGISLATION IN THIS HOUSE.

If the numerous causes which have attended, within the last twenty years, the unexampled development of this country, could be analyzed, perhaps to *no one would be ascribed so much importance as that of railroads.* North, South, East, and West, in all portions of the country, and by all classes, their advantages are appreciated. Your Atlantic cities have dug through mountains to extend them to the West; and stretching them along your rivers and across your richest agricultural regions, the humblest proprietor has not hesitated to contribute, and has reaped a return in the greatly enhanced value of his land. So



certain is this increased value of real estate along their line, that whole communities and States, looking to it as a result, have laid general taxes for their creation. In fact, it is now almost an acknowledged truth of political economy, and taxation for no other purpose is so popular.

Under these circumstances, is there anything extravagant in the expectation on the part of the States that the general government should contribute, like every other proprietor within their limits, to the construction of railroads enhancing greatly the value of the public domain? The 5 per cent. upon the sales of the public lands within the States is now given them as a return, and in some sort acknowledgment of the benefit the lands of the government derive from the construction of ordinary roads. Is there anything so unreasonable in the call of the States upon the general government to make a similar return for the enhanced value of its land—the result of local taxation, that the humblest proprietor is made to pay—to justify the advocates of railroad grants before this House being regarded as speculators upon the public treasury, or to explain the repugnance with which some members listen even to the suggestion of such grants?

Sir, this repugnance springs from the vice in the organization of our land system, of which I have spoken. It is neither insensibility to the justice of this claim, nor a belief in the want of constitutional power, that creates this opposition with many, but an inability to decide upon interests purely local, and whose expediency must depend upon circumstances and facts peculiarly liable to perversion.

THE BILL I PROPOSE TRANSFERS THE DECISION OF THESE GRANTS TO THE LEGISLATURES OF THE STATES. If the railroads seeking them deserve encouragement, and the alternate sections reserved will compensate in value for those granted, it will be best known to the legislatures of the States in which the lands lie, and through which the roads pass. The States lose nothing; deserving railroads receive encouragement; and in no event will the general government sacrifice a dollar.

Mr. Chairman, on this point I may be pardoned for speaking with some earnestness. Under our present land system, railroads, peculiarly worthy of grants of alternate sections of land from Congress, without opposition at home, and supported by an unanimous delegation here, suffer from the multiplicity of similar but locally contested demands. Members of Congress, in their inability to examine each, and the impossibility of granting all these demands, feel a reluctance to grant any.

Louisiana has suffered from this circumstance. The oldest, and in some sort the mother of all the States formed out of the territory purchased of France, west of the Mississippi river, she has never received an acre of land for railroad purposes, while the States on all sides of her have had grants. Having within her borders the mouth of the Mississippi river, through which flow all the waters of the west, and where its delta, gradually depressed to almost a level with the Gulf of Mexico, widens out to ten times its width in the States above—from the nature of her soil impassable by ordinary roads, and dividing from the Atlantic and Southern States the commerce of Texas and the West—she has now an application before this House for land for railroad purposes,

less in amount than that already granted some of the Western States, endorsed in her demand by legislative subscription of one-fifth of the capital of her railroad companies, and a memorial in their behalf; the people along their line having liberally subscribed, and the States of Mississippi and Texas on each side with railroads brought to her borders, and asking to be connected; and yet, sir, her delegation cannot urge these claims, deserving of consideration as they are, without encountering a prejudice against railroads, and wearying this House with facts too purely local to be generally known, and yet constituting the merit of her demand.

I appeal, sir, to the railroad interest in this House, what has been the experience of the session?

From the great amount of business before the Committee on Public Lands, and its necessary consumption of time, has not a prejudice been created against its action? The first railroad bill it proposed was objected to on grounds purely local, and telegraphic despatches read to show that it was an attempted fraud. Mr. Chairman, I voted for that bill in spite of the able opposition of the gentleman from Virginia, (Mr. LETCHER,) not because Louisiana also had railroad bills, but because I thought I had evidence that the gentleman was himself imposed on, and that it was late, after having been two years before Congress, for it to be discovered, by telegraphic despatches, just as we were going to vote, to be fraudulent. But, what was the effect upon the House? Such a prejudice against all railroad bills was created, that no member was willing to trust his particular bill, whatever its merits, to a vote.

What was to be done? Report them for passage and they would be killed; *send* them to the Committee of the Whole, they could never be reached; *give* up the floor and retain them for report at a more favorable time, should the Public Land Committee ever be again called, was the only course left. This, sir, was done, and I think wisely done. But who can say when that committee will again be called? Will it be before the last month in the session? Will it be at all?

Such, sir, has been the embarrassment of the railroad interest in this House during the past session. Information is asked for; and when a member rises to give it, no one listens. The land committee by much labor possesses itself of facts, and there is created a prejudice against it because of its very accumulation of facts. Seek to give information to members out of the House; introduce to them the president or directors of our railroads to be questioned, cross-examined if desired, about their roads, there is at once the cry of lobby influence.

Sir, two presidents of railroad companies from my section of the Union visited this city, after participation in the late convention at Charleston. They were full of information on subjects connected with the enterprise of the South—persons of character and gentlemen of amiable and pleasant manners, in every respect the equal of members upon this floor; and yet, though I felt satisfaction from personal grounds in doing so, I could never introduce them to a member of this House without the fear he would suppose there was a lobby influence about to be exerted.



THIS SUBSTITUTE IS VALUABLE FOR OTHER REASONS OF MUCH IMPORTANCE, AND TO WHICH I ASK THE PARTICULAR ATTENTION OF THE HOUSE. IT WILL TRANSFER TO THE STATES THE SETTLEMENT OF THAT LARGE CLASS OF CONTESTED LAND CASES WHICH NOW COME BEFORE THE LAND COMMISSIONER IN THIS CITY FOR DECISION. IT WILL REFER TO THE STATE LEGISLATURE THOSE NUMEROUS APPLICATIONS FOR SPECIAL LEGISLATION REGARDING LAND TITLES WHICH NOW EMBARRASS THIS HOUSE, AND TO THE STATE COURTS THAT IMMENSE AMOUNT OF LITIGATION WHICH HAS BEEN EXPENSIVELY PROSECUTED IN THE UNITED STATES COURTS.

A commissioner to settle claims of any kind is connected with no pleasing recollections in the popular mind; and were it not that the ability and experience of Mr. Wilson, the present land Commissioner, has relieved it in his case of odium, I believe the permanent existence of a commission at Washington, subject to Executive removal, for deciding, upon appeal from the different land registers in the States, conflicting land rights between citizens and the government—not in open court, but in the retirement of his chamber—would be regarded as a monstrous solecism in our government.

In its remoteness from the locality where the parties reside and the conflicts arise, and in the amount of discretion necessarily exercised by the Commissioner, it is, in principle, the Star Chamber of England; acting upon interests less important to be sure, but not the less sacred. As members from the old States may not be familiar with the nature and extent of these conflicting rights decided upon in the Land Office of this city, I will read a short extract from an interesting and well-written sketch furnished me by Mr. Wilson, of the Land Office :

“The surveying system of the United States is marked by two distinctive characteristics. It operates first upon what is known as the ‘public lands,’ in contradistinction to the ‘private land claims,’ or foreign titles derived from the governments of Great Britain, France, Spain, and Mexico, and grants conceded to Indians in the various treaties of cessions between the United States and the several tribes since the foundation of the republic.

“They grow out of the great variety of claims, such as the right to purchase under the laws of the United States; to locate lands by military warrants; for State selections under certain laws as swamp-lands; also, in virtue of pre-emption privileges, for schools, universities; and their interferences arise at times by reason of priority of title derived from the sovereignties which preceded us, and known as ‘private land’ titles. This class are of every imaginable variety, from a few hundred feet in extent as town-lots, increasing to 40 arpens, and thence up to tracts exceeding over a million of arpens each in extent, founded upon a variety of titles, such as inceptive or nascent grants, known as requêtes, or permits; orders of survey from the authorities of the former governments; actual surveys by such authorities, and titles in form or complete grants.

“Before the Executive department can recognise these, it is required that they shall either receive the sanction of Congress by an express confirmatory law, or by a decree of the United States courts pursuant to law. To effect this, boards of commissioners have been instituted from time to time, from the year 1805 to 1835, to examine and make reports on all these varieties of title. Congress have also passed numerous laws confirming such titles, and leaving others unconfirmed; whilst other enactments have been passed shielding the unconfirmed from sale, and then, after the lapse of years, opening the district courts for their adjudication, with an appeal to the Supreme Court of the United States. \* \* \* All such foreign titles as may be thus sanctioned or confirmed by Congress are to be surveyed. \* \*

“When these surveys are returned to Washington city authenticated by the United State surveyor general, they are carried into grant at the General Land Office, and a perfect record kept of the same, and of all the proceedings from the first steps taken in the matter to its final consummation and delivery of title. The extent and intricacy of this business can scarcely be understood without an elaborate exhibit. The private land claims originating under the system may be summarily classified as arising from—

“1. Private entries, or sales of lands to individual purchasers, where they conflict with each other from the omission of the local officers to note the first sales on the maps or records.



- "2. Pre-emptions, where there are conflicts between different claimants to the same land or with a private sale improvidently made.
- "3. Military bounty land locations under the laws of Congress of 1812, 1847, 1850, 1852, conflicting with each other, or with claims of another character.
- "4. Swamp selections, conflicting with other locations or previous sales.
- "5. School selections, seminary locations, and special grants of great variety."

On this subject, Mr. Chairman, Louisiana has some right to speak. The greatest part of her litigation has resulted from conflicting claims under your land system. A large majority of the feuds—less frequent now than formerly—among her citizens, have had in this their origin.

By far the greatest number of letters I receive from constituents treat of business in your Land Office. The greatest portion of my time, and the hardest labor that I have had to perform since I have been a member of this House, has been in attending to business of this character. And what, sir, has been the effect of the system within her limits?

Mr. Benton, in the Senate in 1829, said, (G. & S. D. and R., p. 5,) "The federal government has done nothing towards settling Louisiana. The kings of France and Spain gave the lands upon which its first 'settlements' were made, and, 'for all that the federal government has done, that State would now be a desert.'"

Mr. Livingston, in 1830, speaking on the same subject in the Senate, (G. & S. D. and R., page 31,) said that Louisiana, in the twenty-five years she had been in the Union, had been retarded just one-half in her population by the federal land system.

Mr. Webster, in 1838, in view of the anomalous character of this same system, proposed, as a matter "of great importance"—I use his words—that all "questions arising at the General Land Office and the local land offices, with respect to the mode of finally deciding upon disputed land titles," should be settled in the United States court; but it was resisted as too expensive for the class most interested. And yet, sir, in 1844, Congress was obliged, from the great accumulation of contested cases within Louisiana, to adopt that course, in a law which gave jurisdiction to the United States district court for five years of all land claims in the State originating with either the Spanish, French, or British authorities.

And what is our position now? My desk is full of bills for the relief of claimants that should be, and would be, expeditiously passed, under the substitute I have offered, by the State legislature; and which I cannot, until after much delay, under the rules of your House, even present for consideration.

On this point, the Commissioner of the Land Office tells me: "It would have been economy in the first settlers of Louisiana to have purchased anew their lands from the government, rather than to have incurred the expense of their confirmation."

But even, sir, when we are so fortunate as to get them before committees of this House, what is the result?

The chairman of the Committee on Private Land Claims (Mr. HILLYER, of Georgia,) says, in a letter to me:

"There have been referred to his committee, this session, over one hundred cases; but few of which they have been able to report. They have many ready to report when opportunity offers, but they have not been called since the 6th February, and he does not know when they will again be called." (See Appendix.)

The chairman of Private Claims (Mr. EDGERTON, of Ohio,) writes me, that during the 32d Congress there were referred to his committee four hundred and forty-two cases ; a very small number of which were ever reported to the House for action, by reason of the time for reports being consumed for a great part of the first session by the Committee on Public Lands.

"The precise time I do not recollect, but believe it to have been nearly five months. I think the Committee of Claims was not called for reports after the 1st March in the first session of the 32d Congress. A large number of cases have been acted upon by this committee during the present session of Congress. The number now ready to be reported is eighty-four ; but the committee has not been called since February, and probably will not be for months " (See Appendix.)

Are you disposed to bring our Pacific States under this system, when, from the peculiarities of their laws and settlements, they will have even more than a proportionate number of claims of this character ? Will there not result a total denial of justice ?

Mr. Chairman, I ask if members are prepared to apply this system to the distant States that are coming into existence on our Pacific coast ? Will the members from California, who guard so carefully the interests of their State, agree that their constituents should send half round the globe to have rights as sacred as those arising under our land system determined by a land commissioner in this city ? Will their constituents acquiesce ?

To my mind, the grandest spectacle of the age is the gradual growth of the colonies along the Pacific coast into free and independent States, received into this Union on an equality with those on the Atlantic. On looking back a little more than a century, to the first feeble settlements on our eastern shore, and then, from the stand-point of our present national greatness, forward into the future, at the spread of civilization and art, and the growth of towns, cities, and commerce, along our western shore, the mind is by turns awed and dazzled by the vision. The Roman poet, taking his hero to a point from which he could view the successive generations of his nation spreading out into all the greatness of the Roman empire, describes him as shedding tears over the ills that he saw were to befall them. In our case, if we are wise, there is no such cause of sadness.

The unseen but ever-operating influence of law, properly guarded, is the security, at the same time that it is the most beautiful result, of our institutions. In a popular government, where all power comes of the people, reverence for it is a high moral manifestation. It is free will, self-controlled. It has the majesty of power, self-limited ; and, like force in nature, or labor in art, it is at the bottom of, and creates, and is, as it were, the breath and being of our national existence. Regarding it in this light, I deplore anything that weakens its respect.

I will not enlarge on this point ; but, familiar with the character and the hardy virtues of the men living on the frontiers of our distant land States, who are to be affected in their rights of pre-emption, settlement, and the like, which, as self-created, and born of adventure in the woods, are cherished with an enthusiastic devotion, I much fear you are imposing upon them a system that will prove expensive and oppressive,



and that, failing of advantage to the government, will be productive only of litigation and bloodshed.

The substitute I have offered proposes, at a diminished expense to the federal government, to remedy this evil; and I thank the honorable Speaker Boyd for having suggested to me the propriety of bringing it, at this time, to the attention of the House.

AS THIS SUBSTITUTE HAS NOT YET BEEN DISCUSSED IN THE HOUSE, I MUST ANTICIPATE OBJECTIONS TO IT, AND ANSWER THEM IN ADVANCE.

1. THAT THE BILL OF THE GENTLEMAN FROM NEW YORK PROVIDES FOR GIVING TO THE OLD STATES SPECIFICALLY A PORTION OF THE PROCEEDS OF THE PUBLIC LANDS, WHILE THE SUBSTITUTE PROVIDES THAT THE PROCEEDS ABOVE THE EXPENSE OF THEIR ADMINISTRATION SHALL BE PAID INTO THE COMMON TREASURY, FOR THE COMMON BENEFIT.

I will not repeat the argument that the old States are *legally* entitled only to benefit by the public lands as a "common fund" of the States collectively, and not separately; that the condition of Virginia's cession, that their proceeds should be distributed according to the "usual charge and expenditure," referred to the mode of taxation under the confederation, each State paying separately its quota to the support of the general government; and that the subsequent formation and adoption by the States of our present constitution, with the clause giving Congress power over the territory like other property, evidences the intention of the cession to have been general; and that the omission of the expression, "usual charge and expenditure," in the cession from Georgia, made subsequent to this period, though in other respects in the same words as that of Virginia, is confirmatory of the fact. Nor will I stop to inquire what *equitable* right the old States can urge upon the proceeds of the public lands in the new States, having themselves originally obtained most of the lands within their limits by grant, and sold and applied their proceeds; Connecticut's magnificent school fund having been derived mostly from this source, and Massachusetts and Maine, at the present time, having State land offices, from which they receive an annual revenue from the sales of land in Maine.

The public lands cannot be apportioned in kind. There is no standard by which to determine satisfactorily the annual charge and expenditure of the States. Federal representation will not serve as a basis; for that representation and taxation are not correlative under the general government, has been the constant complaint of both sections of the Union. Shall their proceeds constitute a fund in the hands of the general government to supply deficiencies or inequalities in this respect, and Congress exercise discretion as to the mode and amount of their application to particular State institutions?

Abuse in the extreme exercise of a general power of the constitution is often scarcely distinguishable from the assumption of an unconstitutional power. It should be remembered, however, that power under that instrument is by special grant, with restrictions upon the exercise of general power. A different mode of interpretation would have the effect to change the entire nature of our constitution. Admit in Congress the right to determine and legislate at discretion over the public lands for the common benefit and to promote the general welfare, and its power is unlimited; for as the constitution speaks of "territory"



and "other property" of the United States in the same clause, the instruments and agencies of government, and the funds in the common treasury, would be, equally with the public lands, under its control.

But of the lands ceded by the States few now remain. Those upon which the system is henceforward to operate were acquired either by purchase or conquest, and any argument, therefore, founded upon terms of original session is without application.

WAIVING, HOWEVER, THE CONSTITUTIONAL ARGUMENT, AND REGARDING IT MERELY AS A MATTER OF EXPEDIENCY, I contend, in the words of the able report of the chairman (Mr. DISNEY) of the Committee on Public Lands of this House, that "no more expensive mode could be devised to support local institutions than to make the federal government the agent to raise and distribute the means. With the States lies the power necessary for their management and economical administration. Supported by means raised by the authority of the State, no injustice can be inflicted upon the people of other States. State provision, as between the States, would be just from necessity, and from interest it would be economical."

If it is desired to secure to the citizens of the old States the benefit of these lands, in no way can it be so effectually done as under the provisions of this substitute. Whatever the States through the general government have paid out for these lands will be returned into the general treasury, and reducing taxation to the amount of their sale will be a common fund for the support of the general government.

Whatever benefits the settlers upon the public lands are to derive from this bill will be shared by the citizens of all the States in proportion as they choose to avail themselves of them. The States in which the lands lie cannot appropriate them in payment of their debts, or grant peculiar advantages of purchase or ownership to their own citizens. They are to administer them, but without power to discriminate in price or pre-emption, against the citizens of other States. One State cannot have one price and terms of sale, and another State different; the system will act uniformly in all. The States cannot even purchase them from the government, and sell them at a higher price. They can purchase at the price fixed, but must also sell at the graduated price in the bill, except in the case of lands along the line of railroads, alternate sections of which may be disposed of at double price; but even in that case conditioned that the remaining sections are granted for the construction of the road.

HERE, MR. CHAIRMAN, I MEET THE OBJECTION THAT THE EFFECT OF A GRADUATION IN THE PRICE OF THE PUBLIC LANDS DRAWS OFF TO THE WEST THE WEALTH OF THE ATLANTIC STATES.

It is true that the centre of population and wealth in this government is going west, and with it that of federal representation. It has been estimated that the wave of civilization rolls west at from 13 to 17 miles a year. According to a calculation of Dr. Patterson, of Philadelphia, as published in De Bow's Review, the federal centre was, in 1790, Baltimore county, Maryland, 46 miles north and 21 east of Washington; in 1800, Adams county, Pennsylvania, 64 miles north and 30 west of Washington; in 1820, Morgan county, Virginia, 47 miles north and 71 west of Washington; in 1830, Hampshire county, Virginia, 43 miles

north and 108 west of Washington; in 1840, Marion county, Virginia, 36 miles north and 160 west of Washington.

Thus going almost directly west, in 50 years, 182 miles, not varying in that time 10 miles north or south, and each year moving with increased velocity. In 1850 the centre had reached the Ohio river. It has now crossed it. Would you check this? Sir, it was attempted at an early period of our history, by a provision that the public lands should be sold township by township, no additional one to be offered until the last was sold. What was the result? Population ran not only beyond your surveys, but beyond your possessions. First Illinois, Michigan, Wisconsin, and Iowa grew into existence; then, in addition to Louisiana, Florida and Texas were added; and now California, Oregon, Utah, and New Mexico, have come into political existence before you have been even able to extend to them your land system.

But, sir, while this great tide of population and wealth has been rolling westward, from the Atlantic to the Pacific, with a uniformity that Alison, the historian, looking up from the effete and inert systems of the Old World, tells us has about it something of the solemnity and awe of the march of a great principle, it has left behind it no withering curse. Its progress has been the rather that of an Oriental monarch, scattering jewels on its path. The cities on your Atlantic coast have not the dismantled appearance either of a decaying population or of a diminished commerce. The hum of industry has not ceased in their workshops, nor grass grown upon their wharves.

Sir, so far from this having been the case, the West has but grown up to pour her treasures in their lap. By means of railroads, its magnificent prairies have become the suburbs of your Atlantic cities. The East, sir, envy the West! As well might the parent be jealous of the growing strength and elastic tread of his offspring. When man becomes callous to the scenes of youth, or can walk with insensibility over the spot where repose the remains of his ancestors, then, and not till then, may the East have cause of jealousy, or look with envy upon the West.

Sir, the old States have been so accustomed to gaze upon the magnificent panorama of developing greatness in the west, that they have become well nigh insensible to the fact that they, too, have been borne along by the same irresistible impulse. I perceive, from authentic returns, that in the ten years from 1840 to 1850, there was an increase in the income of the inhabitants of the United States, of  $32\frac{6}{10}$  per cent.; that from all sources, ending June, 1850, was \$1,410,000,000; that for 1840, (Tucker,) \$1,063,134,736.

I have no means of ascertaining how this should be apportioned between the old and the new States; but, taking the increased value of property in some of the old States as a basis, I approximate a result.

The value of property in Massachusetts increased, from 1830 to 1840, 43 per cent.; from 1840 to 1850, nearly 100 per cent.

In 1840, it was.....	\$299,880,338
In 1850, it was.....	597,936,995

A similar increase in wealth might be shown in New York, Rhode Island, and Connecticut; so also in the Atlantic cities.



The value of property in Philadelphia increased between 1840 and 1850, 3 per cent. a year, or 30 per cent. in 10 years.

The value of property in Baltimore between 1840 and 1850 increased over 43 per cent.

From these data (and they could be extended south, through Virginia, to Georgia) it is evident that the old States have, in the last ten years, advanced in wealth proportionately with the new.

HOW HAS IT BEEN IN POPULATION? By the census returns for 1850 it appears the rate of increase of population in the whole United States was—

From 1840 to 1850.....	35 per cent.
That of the twelve land States, viz: Ohio, Indiana, Mississippi, Illinois, Michigan, Louisiana, Missouri, Alabama, Arkansas, Florida, Wisconsin, and Iowa.....	57 “
That of the thirteen old States.....	24 “
That of Great Britain and Ireland.....	2 “
That of England and Wales..... 12 per cent. }	
That of Scotland..... 10 “ }	
That of Ireland, (decrease)..... 20 “ }	
That of France.....	4 “
That of Belgium.....	9 “
That of Prussia.....	10 “

These figures give no indication of decay on the part of the old States. On the contrary, when you look at the *nativities* of the citizens of the land States, their growth is seen to be in fact that of the old States.

From tables appended to these remarks, it will be seen that while, in the last ten years, the old States have advanced in population one hundred per cent. faster than the most flourishing of the European States, they have contributed of their citizens to the population of the land States in the proportion of more than one-fourth to their native population. New York, the State of the gentleman [Mr. BENNETT] who introduces this bill, under a seeming sense of special wrong done his State, furnishes one-fourth to that contribution. (Table C.)

But this is not all. If you take the *nativities* of representatives in this House as an indication of the proportion in which the natives of the old States will participate in the benefits of the public lands lying within the land States, the result is still more striking.

Of the 234 members now composing this House, the thirteen old States, including among them Vermont and Maine, have, by representation, 134—the thirteen land States, 78; that is, while, by our *basis of representation*, the old States have more than one-half, ( $\frac{57}{100}$ ), and the land States one-third of the House, by *nativity* the old States have 191 members, and the land States but 15; that is, the old States have 81 per cent., and the land States have only 6.

Under these circumstances the old States can never have reason to complain of injustice in the legislation of the country.

BUT, SIR, I MUST HASTEN ON. IS THE PER-CENTAGE TO BE PAID BY THE LAND STATES UPON THE SALE OF LANDS WITHIN THEIR LIMITS ADJUSTED IN THE BILL SO AS TO RECONCILE CONSTITUTIONAL OBJEC-

TIONS, AND WITHOUT BEING A GIFT OR A SALE OF THE LANDS, TO RELIEVE THE FEDERAL GOVERNMENT FROM EXPENSE IN THEIR ADMINISTRATION, SECURE INDIVIDUAL INTEREST, AND AT THE SAME TIME IMPOSE NO ONEROUS CONTRACT UPON THE STATES?

In the bill similar to this, introduced into the Senate in 1837, it was proposed that the States should pay over only  $33\frac{1}{3}$  per cent. By the bill of Judge Young, of Illinois, introduced in 1841, it was proposed they should pay over 65 per cent. of the gross amount. In fixing the amount at 75 per cent. in the present bill, the calculation has been made upon a basis intended to be strictly just towards the general government, the States, and to individuals.

The per-centage to be paid by the States is placed higher than in former bills, because—

1. There are now fewer lands unsurveyed in the States, and therefore the expense of their administration will be less.

2. In nearly all the land States there are now State land offices or agencies created for the sale of lands donated to the States by the general government, and the additional expense of administering the remaining lands within their limits will be slight.

3. I desire, that the bill should meet the constitutional views of gentlemen on both sides of the House, and operate simply as a transfer of the administration of the lands to the States in which they lie, and not as a donation or sale.

The elements of the calculation upon which the per-centage is fixed at 75 per cent., I will state in a few words:

The average cost of the public lands, according to the calculation of Commissioner Wilson (Report of the General Land Office for 1853, page 47) is, per acre.....	14.41 cents.
Cost of surveying .....	2.07 “
Cost of selling and managing .....	5.32 “
Equal to, per acre .....	<u>21.80 “</u>

Calculating it at 22 cents per acre, if the lands sell for \$1 35 per acre, which is the average price, the public lands brought into the United States treasury, up to June 1, 1849, (Commissioner Young's Report for 1848, appendix, page 555,) the per-centage to reimburse the general government would be.....	16 $\frac{1}{4}$ per cent.
If sold for \$1 25 per acre, the per-centage would be ...	17 $\frac{6}{10}$ “
If sold for \$1 per acre, the per-centage would be .....	22 “
If sold for 75 cents per acre, the per-centage would be..	30 “
If sold for 50 cents per acre, the per-centage would be..	44 “
If sold for 25 cents per acre, the per-centage would be..	88 “

Acres.

Applying this to the actual position and amount of the public domain, the total area of public land States (exclusive of California,) is.....	381,115,470
The total number of acres remaining unsold in the land States, (exclusive of California,) on the 30th June, 1853, is.....	168,178,818.48



The average length of time the land States (excluding California) have been in the Union, is within a fraction of thirty years; and within that period there has been sold 103,197,356 $\frac{3.5}{100}$  acres, and disposed of for schools, internal improvements, individuals and companies, seats of government, military services, salines, Indians, &c., &c., &c., 104,194,722 $\frac{8.9}{100}$  acres; making a total of..... 207,392,079

Or sixty per cent. of the whole.

Thirty years being the average time that the lands within the States have been offered for sale at \$1 25 per acre, if we estimate that the States, under the operation of the graduation prices of the bill, which is a very fair calculation, will dispose of an equal proportion of the public lands within the next thirty years, and that being the period at the expiration of which the lands remaining undisposed of are to be relinquished to the States, there will have been parted with in that time, 100,970,290 acres. Under the graduating process, these 100,907,-290 acres are to be sold at prices ranging from \$1 25 to 25 cents per acre, (the average rate of the bill,) and will bring \$75,680,468.

It is proposed that the land States pay to the general government 75 per cent. of the gross proceeds of the sales of those lands, which will amount to..... \$56,760,351

Deduct the cost of the lands to the United States—say  
168,178,818 acres, at 16 $\frac{1}{2}$ \* cents per acre ..... 27,749,505

Leaving a profit over and above cost to the U. States of.. 29,010,846

The share of the States in the gross amount sold, being 25 per cent. of \$75,680,468, is ..... \$18,920,117

Deduct for selling, managing, and surveying 100,907,290 acres, at seven cents† per acre ..... 7,063,510

Leaving a profit over and above cost to the land States of 11,856,607

The number of acres remaining unsold at the end of thirty years, relinquished to the States in which they lie, will be 67,371,528 acres.

From these calculations it appears—on the basis of the graduation price in this bill, the same as that in the bill recently passed, and

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* This 16 $\frac{1}{2}$ cents is made up of—Cost.....	14.41 per acre.
Survey.....	2.07 “
	<u>16.48 “</u>

which the government has expended, and would be entitled to be repaid, if it had surveyed all the lands ceded.

†The federal government has not surveyed all the lands ceded; therefore this seven cents is made up of—Survey..... 2.07 cents.  
Sale and management..... 5.32 “

7.39 “

that the calculation may be perfectly fair, both to the States and the general government.





3d. The federal government now pays over to the land States 5 per cent. upon the sales of the public lands within their limits. Will not the general government have the same power to enforce this percentage from the States that the States have now from the general government?

4th. But, sir, the bill provides a perfect guarantee, apart from all these considerations, for the payment of the per-centage, in the clause which provides that on the failure of a State to perform any of the conditions of the cession, the patents issued by its authority are void. Every citizen within the State is thus made individually interested in his State's payment of the per-centage, and any failure on their part to do so would be in the nature of an agent's failure to fulfil a trust.

AND NOW, MR. CHAIRMAN, AS TO THE PROPRIETY, I MAY SAY NECESSITY, FOR THIS CHANGE IN OUR LAND SYSTEM AT THIS TIME. We have traced the origin and development of the system from its insignificant existence under a clerkship in the Treasury Department, to a well-nigh independent branch of the government, extending over and affecting questions of most difficult adjustment directly connected with interests the most important, and yet the most delicate, that can arise between citizens and the government; and the question presented for our decision is not between its entire abolition and the adoption of a new system, but simply its modification in a way that will restrict it to the original purpose of its creation.

It began operating alone within the Territories; the different States having their own land offices. It now extends into thirteen States, and is about to go into operation in all the immense regions west to the Pacific. By law you have already extended it over, but as yet no lands have been surveyed and returned as sold in California, New Mexico, Utah, Nebraska, or the Northwest.

The Commissioner in his report says: "When the action of this office shall be required on the claims" in those regions, "the business of this bureau will be much more onerous;" "the buildings" are even now "insufficient," and "additional" clerks' salary necessary. There were, in the past year, 43,500 letters received, registered, examined, and recorded in his office; making thirty large folio volumes. The responsibility for the proper transaction of the business connected with all these letters now rests entirely with him.

Is it possible for any one man to meet this responsibility with satisfaction either to himself or the interests involved? In 1848, Robert J. Walker, the then Secretary of the Treasury, speaking of the onerous character and increasing number of questions coming up on appeal to him for decision from the Land Office, said: "I have pronounced judgment in 5,000 cases involving land titles since the 10th March, 1845;"

"Numerous and complicated questions are constantly arising in the private land claim bureau of this office, with reference to the rights of parties, and the correct location of their claims. The records in many cases are so voluminous as to require days, and even weeks, simply to read them. To select and array the facts from such records, and to apply them to the acts of Congress, with reference also to the laws and usages of the governments with whom they originated, requires sound judgment, great care, and a thorough knowledge of every matter connected with the business. These cases are daily becoming more important from the great increase in the value of the property affected by them."

an average of 1,333 per annum. On the same point the Commissioner of the Land Office, in his recent report, says :

The Secretary of the Interior, speaking of the same accumulation of business in the Land Office, says the Commissioner has been compelled "to crowd eight or nine clerks," besides "desks, furniture," &c., into a single room where more than two clerks cannot be conveniently accommodated ; and "files and papers" have so rapidly increased that many cases of valuable papers have of necessity been placed in the passages, without proper "security from fire." "The Secretary of the Treasury," he continues, "requires the rooms now occupied by the Land Office," and has "made pressing application" for them.

Mr. Chairman, we have now reached a period when either a great enlargement or entire reform of our land system is necessary. Adopt the substitute I have offered, and the General Land Office will be restricted in its operations to the Territories ; the pressing accumulation of its business will be remedied ; its expenses curtailed ; and the evils described by the Commissioner and Secretary of the Interior removed. The general government will be relieved from legislating upon a most embarrassing subject ; Executive patronage will be curtailed ; and the land States, freed from the pressure of government possessions within their limits, will be less dependent upon Congress. Local taxation will fall equally upon all ; railroad interests will receive judicious aid ; and land proprietors in the new States obtain a speedy settlement of their claims. The sessions of Congress will be shortened ; a great element of strife removed from its discussions ; and opportunity afforded for legislation upon other subjects. Other influences, too, are favorable. We are on the eve of no Presidential election ; the public lands are now under discussion in both branches of the legislature ; the veto of the President has attracted attention to the subject, and there is a general disposition to adopt some mode of administering them that will be final in being both just and constitutional.



## APPENDIX.

## A.

*Statement showing the amount of public lands unsold and unappropriated, of offered and unoffered, up to June 30, 1853, in the following States, which includes all the land States.*

	<i>Acres.</i>
Ohio .....	244, 196. 08
Indiana.....	246, 339. 41
Illinois.....	4, 115, 969. 97
Missouri.....	22, 722, 801. 41
Alabama.....	15, 049, 693. 70
Mississippi.....	9, 083, 655. 94
Louisiana.....	9, 134, 143. 81
Michigan.....	16, 142, 293. 48
Arkansas.....	15, 725, 388. 33
Florida.....	29, 262, 674. 59
Iowa.....	22, 773, 175. 57
Wisconsin.....	23, 678, 486. 19
California.....	113, 682, 436. 00
	<hr/>
	281, 861, 254. 48
	<hr/>

[Report of the Commissioner of the General Land Office, 1853, 1st session 33d Congress, page 45.]

*Statement showing the amount of public lands unsold and unappropriated, of offered and unoffered, up to June 30, 1853, in the Territories of the United States.*

	<i>Acres.</i>
Minnesota Territory.....	85, 225, 601
New Mexico Territory.....	127, 383, 040
Utah Territory.....	113, 589, 013
Oregon Territory.....	116, 259, 698
Washington Territory.....	78, 737, 578
Nebraska and Kansas:	
Nebraska Territory.....	219, 160, 320
Kansas Territory.....	80, 821, 120
Chah-lah-kee Territory.....	17, 715, 200
Muscogee Territory.....	343, 274, 240
Chah-ta Territory.....	19, 129, 600
	<hr/>
	864, 069, 170
	<hr/>

[Report of the Commissioner of the General Land Office, 1853, 1st session 33d Congress, page 45. Corrected and revised at the Land Office June 3, 1854.]

*Public lands.*

	<i>Acres.</i>	<i>Acres.</i>
Areas of land in States and Territories exclusive of water.....	1, 391, 480, 320	
Of which there has been surveyed up to June 30, 1853....	336, 202, 587	
And unsurveyed, (estimated).....	1, 055, 277, 733	

	<i>Acres.</i>
Of the amount surveyed.....	336, 202, 587
There has been offered for sale up to June 30, 1853...	316, 278, 804
Leaving of the surveyed, unoffered for sale.....	19, 923, 783
Of the amount offered for sale up to June 30, 1853.....	316, 278, 804
There has been sold to that date.....	103, 197, 356. 35

Land in the States yet undisposed of by the general gov- ernment subject to entry June 30, 1853.....	<i>Acres.</i> 94, 746, 032
Amount of land in the States unsold and unappropriated of offered and unoffered lands, in June 30, 1853.....	281, 861, 254
If lands in California be subtracted, it will leave.....	168, 179, 818

Areas of land in States and Territories exclusive of water.....	1, 391, 480, 320
Which has been disposed of as follows—	
Sold up to June 30, 1853.....	103, 197, 356. 35
Disposed of for schools, universities, &c.....	49, 416, 435
Disposed of for deaf and dumb asylums.....	44, 971. 11
Disposed of for internal improvements .....	10, 757, 677. 60
For individuals and companies .....	279, 792. 07
For seats of government and public buildings .....	50, 860
For military services.....	24, 841, 979. 83
Reserved for salines.....	422, 325
Reserved for benefit of Indians.....	3, 400, 725. 53
Reserved for companies, individuals, and corporations...	8, 955, 383. 75
Confirmed private claims.....	8, 923, 903. 21
Swamp lands disposed of to States.....	35, 798, 254. 66
Railroads .....	6, 024, 573
	252, 114, 237 11
Total unsold and unappropriated of offered and unoffered lands, June 30, 1853.....	1, 139, 366, 083

[Report of the Commissioner of the General Land Office, 1853, 1st session 33d Congress, pages 44 and 45.]



*Statement showing the number of acres of the public lands donated by Congress, the purposes for which donated, &c., in reply to resolution of the House of Representatives of January 30, 1854.*

States and Territories.	Schools.	Universities.	Seats of government.	Salines.	Internal improvements, 1841.*	Roads.	Canals and rivers.	Railroads.	Swamp lands.†	Deaf and dumb.	Individuals and companies.	Military services.	Aggregate.
Ohio.....	704,488	23,040	.....	24,216	.....	80,773	1,162,229	.....	25,641	.....	32,141	1,783,024	3,835,552
Indiana.....	650,317	23,040	2,560	23,040	.....	170,582	1,439,279	.....	1,286,827	.....	843	1,225,336	4,821,824
Illinois.....	978,755	23,040	2,560	121,629	209,055	.....	290,915	2,595,053	1,833,413	.....	954	9,060,330	15,115,734
Missouri.....	1,199,139	23,040	2,560	46,080	300,000	.....	.....	2,442,240	2,178,716	.....	.....	2,288,323	8,660,098
Alabama.....	902,774	23,040	1,620	23,040	100,000	.....	400,000	419,528	2,595	.....	1,981	794,925	2,669,503
Mississippi.....	837,564	23,040	1,280	.....	500,000	.....	.....	737,130	1,824,812	.....	15,965	178,383	4,118,194
Louisiana.....	786,044	46,080	.....	.....	500,000	.....	.....	.....	9,771,275	.....	8,413	518,670	11,630,482
Michigan.....	1,067,397	46,080	13,200	46,080	500,000	.....	750,000	.....	6,788,125	.....	4,080	1,108,003	10,322,965
Arkansas.....	886,460	46,080	10,600	46,080	500,000	.....	.....	2,189,200	8,690,017	.....	139,366	1,645,273	14,153,076
Florida.....	908,503	46,080	6,240	46,080	500,000	.....	.....	.....	2,065,605	.....	52,114	291,400	3,916,022
Iowa.....	905,144	46,080	3,840	46,080	500,000	.....	1885,078	.....	71,958	.....	18,227	4,523,573	6,999,980
Wisconsin.....	958,648	46,080	6,400	.....	360,364	.....	569,372	.....	1,259,269	.....	5,706	2,467,497	5,673,386
California.....	6,719,324	46,080	6,400	.....	500,000	.....	.....	.....	(No return.)	.....	.....	.....	7,271,804
Minnesota Territory.....	5,089,224	.....	.....	.....	.....	.....	§340,000	.....	.....	.....	.....	105,520	5,534,744
Oregon Territory  .....	12,140,907	46,080	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12,186,987
New Mexico Territory.....	7,493,120	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7,493,120
Utah Territory.....	6,681,707	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,681,707
Connecticut.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	123,040	.....	.....	23,040
Tennessee.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,553,824
Kentucky.....	.....	**3,553,824	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22,400
	48,909,535	4,060,704	57,260	422,325	4,669,449	251,355	5,836,873	8,383,151	35,798,253	45,440	279,790	25,990,257	134,704,392

\* By the act of September 4, 1841, 500,000 acres of land was granted to each land State for purposes of internal improvements, provided that such States as had theretofore received grants for such purposes should, in addition, be entitled to select only so much as would make the above amount of 500,000. Ohio and Indiana having received more than that amount, were, of course, not entitled to any land under said act.

† Reported by State authorities and estimated.

‡ In part estimated.

§ Estimated.

|| Donations in Oregon not yet reported.

¶ Located principally in Alabama.

\*\* The vacant lands in Tennessee, amounting to 3,553,824 acres, were granted to the State, provided \$40,000, if the proceeds amounted to so much, be applied to establish and support a college.

†† Located principally in Florida.

## B.

*Persons employed by the general government in 1800.*

## Treasury Department:

Number employed in collecting the external revenue, such as port collectors, revenue captains and lieutenants, custom-house officers, &c.....	1,257
Light-house keepers, inspectors, &c .....	37
Number employed in the mint.....	10
Clerks in the department at Washington .....	70

Total number in Treasury Department..... 1,374

State Department, including diplomatic corps..... 112

Persons employed in Pension Office..... 37

Persons employed in Land Office..... 8

Persons employed in Indian Office..... 19

Purveyor of Public Supplies... 4

Total ..... 68

War Department, exclusive of army..... 17

Navy Department, exclusive of navy..... 17

Judiciary..... 107

## Post Office Department:

Clerks at Washington, 10; deputy postmasters, 906; whole number employed in Post Office Department..... 916

Miscellaneous appointments..... 9

Whole number employed by general government..... 3,806

*Persons employed by the general government in 1854.*

## The Department of—

Treasury .....	3,245
Post Office.....	30,480
Interior .....	707
War .....	232
Judiciary.....	233
Navy .....	263
State .....	256

Whole number of persons employed by general government, excluding army and navy. 35,456



*Natives of the old States residing in the land States, as per census U. S. for 1850, with the natives of New York specially therein resident.*

Where resident.	Number of white residents.	Natives of N. York residing in the land States.	Native born population of each State.	Proportion of the natives of the old States residing in the land States to the native born population.
Alabama.....	151,915	1,443	420,032	Over $\frac{1}{4}$
Arkansas.....	26,787	537	160,345	About $\frac{1}{4}$
California.....	34,808	10,160	69,610	About $\frac{1}{4}$
Florida.....	21,875	614	45,320	Nearly $\frac{1}{4}$
Illinois.....	199,780	67,180	736,931	About $\frac{1}{4}$
Indiana.....	179,242	24,310	931,392	Nearly $\frac{1}{4}$
Iowa.....	43,254	8,134	170,620	About $\frac{1}{4}$
Louisiana.....	30,527	5,510	205,921	About $\frac{1}{4}$
Michigan.....	182,618	133,756	341,591	Over $\frac{1}{4}$
Mississippi.....	79,366	952	291,114	Over $\frac{1}{4}$
Missouri.....	84,398	5,040	520,826	Over $\frac{1}{4}$
Ohio.....	508,672	83,979	1,757,556	Nearly $\frac{1}{4}$
Wisconsin.....	109,932	68,595	197,912	Over $\frac{1}{4}$
	1,653,174	410,210	5,849,170	More than $\frac{1}{4}$ and less than $\frac{1}{2}$

HOUSE OF REPRESENTATIVES, May 29, 1854.

MR. PERKINS—SIR: In reply to your inquiry concerning the state of the business referred to the Committee on Private Land Claims, I have to inform you that the claims referred to that committee this session amount to over one hundred. They have been referred at different times during the whole course of the session. Early in the session, while the committees were called for reports, there were but few claims pending before the committee, and we were able to report upon them to the House nearly as fast as they were referred. At a later period of the session, the committees not being called, we have not been able to report. The committee have agreed upon many reports, which are ready to be reported whenever there is an opportunity of doing so. The Committee on Private Land Claims has not been called since the 6th of February last, because the morning hour since that time has been consumed by other business; and I am not able to give an opinion as to when our committee will be again called.

Respectfully,

JUNIUS HILLYER,  
Chairman Committee on Private Land Claims.

COMMITTEE ROOM COMMITTEE OF CLAIMS, HOUSE REPRESENTATIVES,  
May 25, 1854.

SIR: During the 32d Congress, there were referred to the Committee of Claims 442 cases. The number acted upon by the committee was 187, although the actual number was much larger; the committee frequently passing upon *classes* of cases which were disposed of by one bill or one adverse report. But a very small number of the cases acted upon were ever reported to the House, for the reason that the committee was not called for reports. The "morning hour," devoted by the rules to the calling of committees for reports, was consumed, for a great part of the first session, by the Committee of Public Lands. The precise time I do not know, but believe it to have been nearly five months. I think the Committee of Claims were not called for reports after the 1st March in the first session of the 32d Congress.

This denial of justice to private claimants was occasioned by permitting other committees to put the bills reported by them upon their passage, and particularly the Committee of Public Lands.

A large number of cases have been acted upon by this committee during the present session of this Congress. The number now ready to be reported is 84; but the committee has not been called for reports since February, and probably will not be called for months; certainly not, if other committees are permitted to put bills upon their passage.

I am, very respectfully, yours,

N. P. EDGERTON, *Chairman.*

HON. JOHN PERKINS, JR.,  
*House of Representatives.*

WASHINGTON, May 21, 1854.

DEAR SIR: In obedience to your request, I state it as my deliberate opinion, that during the sixteen years I have served in Congress, at least one third of the entire time of that body has been consumed in the consideration of questions connected, in one form or other, with our public land system.

Very respectfully, your obedient servant,

LINN BOYD.

HON. JOHN PERKINS, JR.

WASHINGTON, April 27, 1854.

MY DEAR SIR: In compliance with the request contained in your note, I have the honor to reply that from the most careful examination which could be made, with the efficient aid of Mr. Buck, taking the two sessions of the 32d Congress as the best guide, the cost of the debates on the question of the public lands, in the Senate and House of Representatives, as published in the Appendix to the Congressional Globe, and in the Congressional Globe for that Congress, was about \$149,145. The statement subjoined is submitted to your consideration:

1,500 columns of the Congressional Globe devoted to debates on public lands.

299 senators, members, and delegates.

2½ hours allowed for consideration.

10 columns allowed for an hour speech.

7½ dollars per column for reporting in the Daily Globe.

10)1,500

150 hour speeches.

60 days spent in consideration of public lands.

\$2,392 expense of daily session.

60 days spent.

143,520 expense of Congress for 60 days.

5,625 expense of reporting.

149,145

This estimate includes the debates in the 32d Congress on the homestead, assignability of land warrants, for railroad grants, and on the proposal to grant lands to the indigent insane. It is not too high, because we have not included the speeches made on other subjects of legislation while the House was in committee of the whole on some one of the various projects connected with the disposition of the public lands, and which would have been made on other bills in committee.

The estimate enclosed is lower than the probable average cost of the debates on the land question in the present Congress, judging from such an examination as I have been enabled to make, so far as the debate has gone.

Very respectfully, yours,

JOHN W. FORNEY,  
*Clerk House of Representatives United States.*

HON. JOHN PERKINS, JR.





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